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November 17, 2020

VIA NLRB FILING PORTAL

Ms. Roxanne L. Rothschild
Executive Secretary
Office of the Executive Secretary
National Labor Relations Board
Region 5
1015 Half Street SE
Washington, DC 20570-0001

RE: **EMPLOYER: BUNGE MILLING, LLC**
PETITIONER: BCTGM, LOCAL 280, ET AL.
CASE No.: 25-RC-262150

Dear Ms. Rothschild:

Bunge Milling, Inc. (“Bunge”) hereby directs the Board’s attention to its recent decision in *Aspirus Keweenaw and Michigan Nurses Association*, 370 NLRB No. 45 (November 9, 2020). In *Aspirus Keweenaw* the Board established retroactively criteria that a Regional Director must apply before directing a mail ballot election during the COVID-19 pandemic. The Regional Director for Region 25 either failed to apply or incorrectly applied those criteria to the instant case.

1. Region 25 was not operating under “mandatory telework status”;
2. The relevant county data did not support a mail ballot election;
3. The proposed manual election site was proper under both state and local health orders;
4. The parties had jointly agreed in a signed stipulation to abide by all GC Memo-20-10 protocols;
5. There was not a COVID-19 outbreak at the facility, and Bunge was fully willing to certify current status; and
6. No similarly compelling considerations existed.

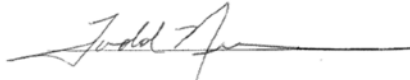
November 17, 2020

Page 2

A mail ballot election was not appropriate, and the Regional Director's error resulted in a determinative number of voters who timely mailed ballots being disenfranchised due to no fault of their own.

The election should be set aside and a new manual election directed.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd M. Nierman", with a long horizontal flourish extending to the right.

Todd M. Nierman

TMN:jmp

cc: Union Representative John Price (jprice@bctgm.org)
Joanne Mages (joanne.mages@nlrb.gov)
Patricia K. Nachand (patricia.nachand@nlrb.gov)

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